

At a Special Term of the Supreme Court and for the County of Erie in the City of Buffalo at the Erie County Court Part 5 of the Erie County Courthouse, 92 Franklin Street, Buffalo, New York on the 9th day of June, 2022.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

ERIC C. MARTIN,

Plaintiff,

v.

ORDER

Index No: 808523/2021

**TOWN OF TONAWANDA
POLICE DEPARTMENT
o/b/o the TOWN OF TONAWANDA,**

SPEEDWAY, LLC,

**JOHN DOE #1, 2, 3, 4, 5, 6, 7, 8
as employees of Defendant,
TOWN OF TONAWANDA
POLICE DEPARTMENT,**

Defendants.

The Plaintiff, **ERIC C. MARTIN**, by his attorney, JOHN P. FEROLETO, having duly moved pursuant to CPLR §§ 3101, 3122, and 3124, for an Order directing the entry of judgment in his favor and against the Defendant, **TOWN OF TONAWANDA POLICE DEPARTMENT** **o/b/o the TOWN OF TONAWANDA**, compelling Defendant to produce discovery responses and,

NOW, upon the reading and filing of Plaintiff's April 20, 2022 Notice of Motion and the accompanying Affirmation of John P. Feroleto, Esq. dated April 20, 2022, with attached exhibits 1-11, and Plaintiff's Memorandum of Law dated April 20, 2022, all in support of Plaintiff, Eric C. Martin's motion to compel responses to discovery requests made to the Town of Tonawanda

Police; the Affirmation of Paul G. Joyce, Esq. dated June 2, 2022, with attached exhibits A-C, and Defendant's Memorandum of Law dated June 2, 2022, all in opposition to Plaintiff's motion to compel; and the Reply Affirmation of John P. Feroleto, Esq. dated June 7, 2022, with attached exhibit 1 in further support of Plaintiff's motion,

And after hearing oral argument by John P. Feroleto, Esq. for Plaintiff Eric C. Martin, and Paul G. Joyce, Esq. for Defendant Town of Tonawanda Police Department o/b/o the Town of Tonawanda, and due deliberation having been held thereon; it is hereby,

ORDERED, that to the extent certain discovery demands have not already been provided, Defendant is hereby Ordered within thirty (30) days of this Order, to provide full and complete responses to all of Plaintiff's discovery demands including Plaintiff's Omnibus Demands, Request for Documents and Discovery, including training material and disciplinary records of the identified officers, comply with CPLR § 3122(b), and identify discovery withheld with a privilege log identifying the reason any such discovery is being withheld.

ENTERED:

July ____, 2022

HON. CATHERINE NUGENT PANEPINTO, J.S.C.

GRANTED:

July ____, 2022

Court Clerk